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NEPA NEWS

the voice of new england prisoners' association



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Conspiracy against Martineau and Nelson

by Monty Griffith-Mair

After spending fourteen years behind bars, the first ten on death row, the last eleven months on work release, Frederick Martineau and Russell Nelson were finally released from the New Hampshire State Prison on August 5, 1973.

They continued their work release jobs after parole, and found places to live. They had been put on parole almost a week when a cruel story began to repeat itself.

(continued on p. 8)



The NEPA NEWS is published monthly by the New England Prisoners Association and the Community Services Center at Franconia College. Our address is NEPA NEWS, Franconia College, Franconia, N.H. 03580.

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THE BOSTON GLOBE

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OFF OUR BACKS

1346 Connecticut Ave., N.W.

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THE OUTLOOK

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JOBS FOR EX-FELONS CONFERENCE
October 20, 1973

Challenge House

359 Blackstone Street

Providence, Rhode Island

People interested should contact:

Ben Washington
Executive Director
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VERMONT STATE PRISON

A Film by the Vermont Coalition for Prisoner Support

The Vermont State Prison was built in 1809, when Thomas Jefferson was President. This film, just completed, consists of discussions with prisoners at the prison. They describe their unsuccessful attempts to get any meaningful rehabilitation programs into the prison. The prison itself is as close to a medieval dungeon as any operating institution.

20 minutes
16mm b & w
rental/\$20
sale/ \$125
sliding
scale
available

How we can continue to operate institutions like Vermont's maximum security prison and pretend we are building a noble civilization is beyond me. This film gives ample reason why the prison should be closed immediately.
--Windsor Prison Vigil Group

This is the only documented account of what has been happening at Walpole. It is the most important film of this struggle to date.

David Collins
Ex-Prisoner
Ad Hoc Committee
for Prison Reform
Boston

3000 YEARS AND LIFE is the up-to-date story of the struggles being waged by the National Prisoner's Reform Association (N.P.R.A.) inside Walpole State Prison in Massachusetts. Walpole prisoners are perhaps the most unified in the country, and the N.P.R.A. is fighting continuously for recognition as a union. They face awesome forces, but they will not be conquered. In this film the prisoners themselves describe what happened at Walpole when the guards went on strike and the N.P.R.A. instituted self-government.

3000 YEARS AND LIFE
A Film by Randall Conrad

This film goes a long way toward explaining how a prison can be run without guards on the inside.

Gene Mason
New England
Prisoners Assoc.

45 minutes
16mm color
rental/\$50,
sale/\$400

No one can see this film and think that Walpole prisoners are what most of the established media and state house politicians have been saying they are.

Ann Hack
Citizens for Better
Correctional
Institutions
New Haven, Conn.

WITH INTENT TO HARM

A Film by Stephen Ujiali and Scott Siegler

With
WITH INTENT TO HARM is the first film shot inside Massachusetts prisons, and evokes a powerful sense of the life for men and women deprived of nearly all human and civil rights. The film details the progress of the prisoner's rights movement in Massachusetts, showing some of the reforms that have taken place since the Attica Rebellion.

28 minutes
16mm color
rental/\$35
sale/\$350

WITH INTENT TO HARM is first and foremost a consciousness raiser: it presents people with a convincing and human view "inside". The very fact that it emphasizes the men themselves as ordinary, credible human beings making an effort to take control of their lives, says more than a lot of horror shots of moldy shower stalls and leaking latrines.
--American Friends Service Committee

Struggle in Ohio

By Ted Seigel

This article is dedicated to the memory of the 43 victim of the mass murder at ATTICA. September 13, 1971.

The rebellion at Attica, in September 1971, brought the American people face to face with the massive problem of prisons and captives. Prior to Attica, most administrators and politicians had ignored the plight of brothers and sisters in America's jails and prisons. Finally, the public became aware of the terrible conditions in which captives were held. Violence is what the American public demand more.

As far back as 1968, realizing that captives have no determination over their rights as human beings, captives in

NEPA Public Education Program

In addition to this newspaper, and selected other publications, NEPA has developed a public education program suitable for schools, churches, civic clubs, and other gatherings of concerned people. Our membership extends to all the New England states and we can bring our program into your community. We can arrange for speakers, films poetry readings, plays, week-end work shops, and continuous seminars. We have three films for rent or sale and they are described on page two. If you are interested in life in jails and prisons, court procedures, crime, community based corrections, prisoner rights, prisoner services, the role of volunteers, the abolition of prisons, and related questions, write or call us.

NEW ENGLAND PRISONERS' ASSOCIATION
PUBLIC EDUCATIONAL PROGRAM
FRANCONIA N.H. 03580
603-823-5266

Ohio began discussing the practicality of organizing themselves into a prisoners' labor union. In 1971, with Attica on the minds of all, the brothers at the Ohio State Prison, Columbus, proceeded to contact Governor John Gilligan about a prisoners' union. As if Attica had never happened, and oblivious to the need for positive alternatives and changes in prisons, Gilligan ignored the request of the captives. This, despite Ohio's "liberal" correction administration.

The idea of a union spread quickly through the prisons of Ohio and gained support of groups such as the American Civil Liberties Union and the National Lawyers Guild. By April, 1973, approximately 60% of the brothers and sisters in the Ohio prisons professed union membership in the Ohio Prisoners' Labor Union. (OPLU).

WORLD PREMIERE

"3000 YEARS AND LIFE"

Morse Hall
602 Commonwealth Ave.
Boston University

November 1, 1973
8:00 PM

Admission \$1.00

followed by
Panel Discussion

John Boone

Russ Carmichael
Arnie Coles

Jim Hofaker
Eleanor Mullaley

NEPA NEWS
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603/823-5266

Any and all contributions are gratefully accepted.
(Please Print)

NAME _____

ADDRESS _____

- \$2.50, regular one year sub
- \$5.00, one year for you and one prisoner
- \$7.50, one year for you and two prisoners
- \$10.00, one year for you and three prisoners
- \$25.00, one year as a sustaining member of NEPA NEWS. We print a thank-you in the paper.



by Alex Kukkoli
Soledad Cal

On May 1, 1973, after a state-wide conference of persons and organizations in Ohio to promote the efforts of the OPLU, and with the help of the California Prisoners' Union (San Francisco), OPLU opened its outside offices. Phil Moots, Administrative Assistant to Governor Gilligan met with OPLU the same day. At the meeting, the union presented Moots with 3,000 authorization cards, signed by the brothers and sisters in the Ohio Prisons. Moots promised the union "Fair and open consideration by the state and prison administration".

Then, between May and July, 1800 captives were transferred from the obsolete maximum security prison in Columbus, Ohio, to the recently completed Southern Ohio Correctional Facility (SOCF) at Lucasville. Lucasville, in fact, is at least 100 miles from the nearest city, (most of the captives are 500-600 miles from their homes, as Attica is miles from New York City).

On May 24, 1973, the interim Executive Board of the Lucasville local of the OPLU called for a work stoppage. The strike was called to show support for the grievances of the dining hall employees. A lock-up began the same day. For 11 days the action remained peaceful.

A spirit of solidarity was widespread throughout the prison as nearly 100% of the brothers went on strike. On June 3, operating in good faith, the captive called off the strike.

The Department of Corrections, however, continued to keep 700 captives (out of a population of 900) locked up, twenty-four hours a day. The prison administration explained the action as "being one which would end the strike."

Harassment and abuse by the guards and the prison administration intensified. Once again the Lucasville brothers faced conditions that have prevailed in America's

Who? Which?
What group?
Their significance?

which were...?
underlying grievances.
internal organiza-
tion.

NEPA News Is Your News

When the New England Prisoners' Association was formed earlier this year, it was charged, among other things, with the responsibility of developing better ways by which prisoners and those concerned with their plight might better communicate with one another. We, as prisoners, ex-prisoners, parolees, those on probation, and our friends, families, and supporters, will never be able to challenge successfully the costly, senseless, inhuman system unless we work together. While it may not be true that cooperation overcomes all obstacles, it is true that without cooperation among us we will be beaten by the strong forces we face.

We have a long struggle ahead of us, but we must begin to broaden the base of that struggle. Alone we have not a chance. Even if unified in a single prison, or in a single state, the reactionary politicians, guards union, their media supporters, and the public who lives in the fears promoted by these vocal groups, will continue to win unless we can gain strength through expanding our cooperation to the regional, then

the national level. Now is the time. Our issues have been placed in the forefront by the sacrifices of time and life made by captives in America's prisons.

Our challenge to this system must be peaceful. We cannot otherwise hope to survive much less win. The state has a virtual monopoly on the sources of violence, and we all know that at the present time politicians can strengthen their power can gain votes, by using those instruments of power against us. We understand that what happened at Attica is not unique. Little Atticas are all around us. No, we cannot win with force and violence; we must win with ideas, with cooperation among us, with organization, and with strategy and tactics unfamiliar to those who wish to maintain the domination and exploitation we know as the criminal justice system.

This newspaper is a means by which we can strengthen ourselves. Our brothers and sisters of SCAR in Portland, Maine began the newspaper of the New England Prisoners' Association. They produced one issue in

June and one in September. We all pay tribute to them for their efforts. They have been an inspiration to those of us producing this paper, and we wish to say thank you. SCAR, however has the state of Maine to deal with, and found they did not have the staff or the resources to continue to be responsible for a newspaper for the entire region. They do plan to distribute the SCAR TIMES in the future, but primarily in Maine.

We hope NEPA NEWS will be as well received as SCAR TIMES is. While NEPA NEWS is jointly sponsored by NEPA and the Community Services Center of Franconia College, it is your newspaper. And it will only be as useful as you make it. You can help in a variety of ways. You can send your own articles, newsclippings, poems, graphics, comics, announcements of concern to others, or any other copy you would like to see in the paper. We will publish what we can.

You can send the names and addresses of people you think might subscribe and should also receive complimentary issues. We must have this help from you or the newspaper will fail. We are committed to producing twelve issues, and are hoping that the paper can become self-sustaining within that time. Those twelve issues will cost between \$3000 and \$6000 depending on their length, and the total number of issues. We hope to continue to provide NEPA NEWS free to all prisoners. To do that we must have contributions above and beyond the regular \$2.50 annual subscription. All costs are unavoidable. They are for supplies, printing, and distribution. No one who works for the paper gets a dime. Give what you can. You are giving it to yourself, and to others in a similar situation in New England.



Ohio

newspaper

jails and prisons for too many years, conditions that resulted in the mass murder of forty-three brothers at Attica. Starvation diets, no exercise, no showers, no clean clothes or linens, no bedding and mail censorship became the rule rather than the exception. The Lucasville administration said this action was punishment because of the OPLU strike.

The brothers at Lucasville were confined in disciplinary cells without the institution of court tickets or rules and infraction board hearings. This is a clear violation of due process as well as the Dept. of Corrections own administrative rules and regulations.

ILANOVICH et al v. GILLIGAN et al was filed by the union to challenge the gross violation of human and civil rights. A food boycott at Lebanon Correctional Facility and union action at Chillicothe Correctional Facility were treated by the state in the same illegal and inhuman fashion as happened at Lucasville.

In August, 1973, a six man observer team from the state offices began an investigation at Lucasville. The purpose of their investigation is to make "recommendations" to the Governor's office and the Dept of Corrections on improving conditions in the prison.

The Ohio Prisoners' Labor Union has filed suit against the state over cruel and unusual punishment at Lucasville, from May 24 to June 3, and July 24 to August 6. Having received authorization from Judge William Potter of Cincinnati, the OPLU is interviewing captives at Lucasville about the July guard riot.

The struggle continues in Ohio. The OPLU now feels that future events, such as the ones that took place earlier this year at Lucasville, can be avoided by creating a neutral citizen observer system in the Ohio prisons. The citizen observers' system would be similar to the one that existed at the state maximum security prison in Walpole, Massachusetts.

The Citizen observer system would allow citizens to come into the prison and examine prison life first hand by rapping to captives and guards, eating meals with the captives, observing the cell blocks and shops, the hospital, etc. The citizen observer system would also be a check on violence between guards and captives, and would open up new channels of communication with society on the outside.

In addition to a citizen observer program, the captives in Ohio continue to stress the need for a prisoners' union to engage in collective bargaining with the state around labor issues and the rights of captives.

If the state is serious about "rehabilitation", it must take the step of respecting the humanity of captives. Institution of a four citizen observers' system and recognition of prisoners' unions are the crucial first steps.

Free Prison Busing From Boston

The prison busing program of the Prisoners' Survival Center has been operating, through car pools and school buses, for about a year now. They provide free transportation for families and friends regularly to Walpole, Concord and Norfolk, and they arrange, as they are needed, trips to Framingham and Billerica as well.

Their schedule for now is:

MONDAY: Walpole, Norfolk; leave from Donut Chef, Fields Corner, Dorchester. (MBTA Red Line) 12:00 noon
TUESDAY: same
FRIDAY: (night visits only) Norfolk, (Walpole if night visits) Donut Chef, Fields Corner, 5:00 P.M.
Concord: Dunkin Donuts, Central Sq., Cambridge 6:00 (MBTA Red Line)
SAT: Norfolk, Walpole Dudley Station, 11:25 Look for their school bus outside the Black United Front, 8 Warren St., Roxbury Fields Corner at noon, Purity Supreme parking lot
SUN. NIGHT: Concord Dunkin Donuts, Central Sq., Cambridge 6 P.M.

They need cars (especially vans) and drivers desperately. If you can help, please call. They can pay for gas.

If you need a ride please call a day in advance so they can arrange enough vehicles. Call (617) 436-9367 (days) or (617) 287-8129 (nights). Remember, PLEASE CALL...Don't just show up.

New England Prisoners' Association

Statement of Purpose, Philosophy History and Objectives

On April 15, 1973, the New England Prisoners' Association was formed as a result of the first annual New England Prisoners' Conference held at Franconia College, Franconia, New Hampshire. The New England Prisoners' Association is a coalition of prisoner support and prison reform groups throughout the six New England States. These groups, though diverse in membership, resources, and emphasis, are unified around discovering and implementing positive solutions to the problems that today's prisons present.

Prisons were originally conceived as a progressive response to inhumane treatment, but to date their hallmark has been one of failure and human destruction. This failure has been costly in terms of human waste and sacrifice, the loss of resources to society and at a great expense to the individual taxpayer.

We recognize the fact that prisons in our society are a by-product of and directly related to poverty, racism, unemployment, and the other ills of our society. The programs of the New England Prisoners Association and its affiliates deal primarily with injustices existing in the criminal justice system. We realize, however, that the problems of prisons cannot be resolved unless they are seen as part of a larger movement for massive social change.

Prisons must be phased out, as they are not beneficial to an egalitarian society which recognizes the human and civil rights of all prisoners.

In line with this philosophy the New England Prisoners' Association addresses itself to the following areas:

- 1: to promote and assist ex-prisoner organizations and to coordinate communications among these groups
- 2: to support prisoners in their constitutional rights to organize collectively;
- 3: to develop educational programs about why prisons exist, how they work, and what their ac-

tual results are through the NEPA newspaper, speakers bureau, workshops and literature;

- 4: to examine existing prison conditions to determine proper action necessary to alleviate injustices inflicted on prisoners, especially regarding transfers, censorship, visitation, and medical and educational facilities;
- 5: to attack the increasingly widespread use on prisoners of certain psychological and medical approaches including, but not limited to, behavior modification, chemo-therapy, and psychosurgery;
- 6: to organize and assist the families and friends of prisoners;
- 7: to provide means of transportation and communication to families and friends of prisoners;
- 8: to explore and develop existing and possible community alternatives to prison;
- 9: to develop quality legal assistance for prisoners;
- 10: to develop and promote legislation consistent with our philosophy;
- 11: to develop financial assistance to NEPA and its various affiliates;
- 12: to issue news releases, hold press conferences, and develop contacts with the press and media.

TIME

Time is the lack of freedom time is eight-hundred faceless mannequins; time is the same menu every fourth week time is eight-thousand, two-hundred and fifty-six pages around the recreational area, time is gray and drab time is countless conversations, all completely meaningless without purpose or direction time is someday but never really is time is without true laughter; time is boredom bordering upon insanity time is unreal time is timeless; time is man's invention time is a four letter word.

from a Connecticut captive

F.A. Hall

"Here is a young man, yes, but a man of vigor, a man of experience", said Gov. Sargent as he introduced Frank A. Hall, the Commissioner of Corrections. The 33 year old Hall then described himself as a "pragmatic progressive".

Hall had his first experience with prisons ten years ago when he served as a summer intern at the North Carolina Dept. of Prisons. Until then, Hall said, "it had never occurred to me that prison was an area where there were problems and things to deal with".

Six years ago, Hall began his career as a first assistant to the North Carolina Commissioner of Corr. Moving up quickly, he soon became area administrator of twelve correctional facilities with a total of 1400 inmates.

John Carver, Director of Mass. Council on Crime and Corrections used such words as "courageous" and "far-reaching" to describe Sargent's choice of Hall. However, Rev. Ed Rodman of the Ad-Hoc Committee on Prison Reform cautioned, "I have not seen anything the Governor has done to change his posture back to meaningful reform, so there is a question of what Mr. Hall can do."

Plat
state?

Spelman



Walpole photo: Richard Kahn

NPRA Loses Case

The Natl. Prison Reform Assn. (NPRA), represented by Boston attorney Max Stern, lost their appeal for collective bargaining rights. On Dec. 20, 1972, NPRA filed their petition, and on Sept. 24 of this year the Labor Commission handed it's decision.

The petitioner, putting forth an "extensive and comprehensive brief", stated that "Under any view of economic reality, the Walpole prisoners are employees of the Dept. of Corr., insofar as they are engaged in the production of goods and services... They perform work in return for compensation. They perform jobs which are functionally indistinct from occupations which are pursued by civilians outside and from jobs outside the prison walls... The need to prevent strife between an organ of the State and its employees is more acute in the prison context than anywhere else. The harmonious resolution of grievances could not be at a greater premium than outside a total institution... Recognition of the petitioner as an employee organization broaches no interferences with the power and duty of the Dept. to run a safe and secure institution, but does create the duty on the part of each party to negotiate in good faith with each other." Further, the goal of collective bargaining is, "to assist the employees who for one reason or another, as individuals are neither in a position to bargain with

nor in a position to leave the employ of their giant employers."

On two occasions NPRA has been recognized as the official representative of inmates at Walpole. First, by former Comm. of Corr. John Boone on March 25th, and secondly through elections on July 31st. But the Labor Comm. has ruled that to grant them official bargaining status would interfere with the legal responsibilities of the Commissioner of Corrections. The decision states that, "We cannot guarantee prisoners the same employment guaranteed to regular employees of the Commonwealth. Under the attendant circumstances, to declare that prisoners are employees of the Commonwealth would be an empty gesture.... We cannot believe that the Legislature intended to afford such a remedy to prisoners... in addition to existing legislation specifically governing prison work programs."

Max Stern, reached after the decision was handed down, said he was, "very disappointed... All we were trying to do was establish the right of prisoners to negotiate in good faith with prison officials through collective bargaining laws."

President of NPRA, John Kerrigan, said, "Max Stern put up a tremendous fight to gain the official recognition for NPRA. It hurts to have lost. There is a possibility that we might find a way to appeal." — What is that?



Walpole

photo: Richard Kahn

MCCC Work

Release Program

In Aug. the Mass. Council on Crime Correction Inc., (MCCC) was awarded a grant from the Edna McConnell Clark Foundation to develop a comprehensive job bank in private industry for those who are within 18 months of parole and thereby eligible for work release. In Sept. the MCCC completed production of a documentary film, made exclusively for the business community, dealing with the economic advan-

tages of hiring an inmate eligible for work release. After two weeks of intense pre-planning the job bank development begins an eight month assault on the business community.

The "sales tools" that will be utilized in the implementation of this program will be a combination of the afore-mentioned film, tours (most frequently used will be Norfolk, Concord and Framingham) and follow-up seminars with state and county correctional officials.

The most important part of the program is the arrangement of a contract agreement between the State Dept. of Correction and the fourteen county sheriffs. The MCCC strongly believes that a person eligible for

MAINE NEWS

The announcement of the creation of a Special Task Force to investigate conditions in the Maine State Prison at Thomaston was hailed as a victory for SCAR (State-wide Correctional Alliance for Reform) in Maine. In making the announcement at the capital this month Governor Kenneth Curtis also announced the appointment of two SCAR members, Al Caron and Bob Levell, as members of the task force.

One of the primary targets, according to SCAR spokesmen, will be a study of Work Release Programs and the use of prisoner labor by the state. At the present time Maine is one of the few states in the nation which pays nothing for the forced labor it demands from its prison population.

Governor Curtis also announced that the furlough program at Thomaston had been suspended "indefinitely." SCAR responded immediately with a petition drive. These petitions will be presented to the Governor at SCAR's press conference this month. In response to pressure from SCAR however, the Governor later announced that the furlough program would be restored sometime during the month of October.

The announcement from the Governor this month of the appointment of an ex-prisoner to the State Parole Board was seen as the first victory by members of SCAR in their recent efforts to place ex-prisoners and prisoners in positions where they can represent the interests of their brothers. However, the particular ex-con that the Governor named, Al Jackson, is considered a very poor choice by SCAR, and a petition drive is underway to block Jackson's appointment. SCAR has been involved in recent months in a state-wide effort to coordinate efforts of prisoners and ex-prisoners in gaining a voice at the state level on policies concerning prison and parole reform.

SCAR has recently moved out into the community with programs for halfway houses and bookstores for prisoners as well as beginning work on a busing program for relatives of men at Thomaston Prison. These efforts have led to increasingly vehement attacks from the press and the state. This official pressure ranges from the normal harassment of ex-prisoners to holding up shipments of the SCAR TIMES at the post office. Spokesmen for SCAR say this is seen as a sign of the effectiveness of their organization in Maine.

work release should be employed in the vicinity of the place where he will ultimately reside. The fourteen county houses of Correction are existing resources that should be utilized to their fullest capacity. There are now 1400 empty cells across the state where people on work release could reside at night.

People on work release would earn the going wage for that job; pay the state or county 15% of their weekly earnings for room and board; pay family support (thereby eliminating welfare costs); pay damage and restitution costs; and pay state and federal taxes. MCCC's program is projected to save the state 15 million dollars a year.

Conspiracy against Martineau & Nelson

The Manchester Union Leader began its typical savage editorials on how deplorable it was that the two had their "freedom" (although prisons are for rehabilitation with eventual release into society the aim) Simultaneously the governor of N.H., Meldrim Thomson, called the paroles "one of the bleakest chapters in the history of the state." He said he wanted the parolees "Off the streets and back into jail where they belong." Then Thomson began going to county fair after county fair telling people how he was going to get them back into prison.

The governor used the fact that a parole board member, Gerald Prunier, worked for a law firm, which had a member who had worked for a time on the Martineau-Nelson trial in 1959, as the basis for saying their parole was illegal because the Board's own conflict of interest rule was violated.

The governor, before speaking publicly, did not look into certain facts which obviously should have been gathered before he attempted to cut short the lives of Martineau and Nelson again. These facts are:

- Prunier (now suspended from the Parole Board by Thomson) did discuss with the Board disqualifying himself on the grounds that he is now a law partner of Martineau & Nelson's former attorney, Richard Leonard.

The Board told him there was no conflict of interest.

- Prunier was in high school at the time of the trial and did not join Leonard as a law partner until 1967.

- Leonard was last paid a fee in this case in 1961.

- Parole Board Chairman, Edward Ouellette, voted for parole.

- Board member Richard McCarthy voted for parole.

- NHSP Warden Joseph Vitek confirmed that he recommended parole.

- Dr. Henry Payson, Director of a psychiatric program at the prison, recommended parole.

- Robert Johnson, 24 year veteran parole officer, agreed to their parole.

- Ex-warden Parker Hancock said he agreed that they should be paroled.

In other words, no one in the position to do so was opposed to the parole of Fred Martineau and Rus Nelson except the governor, and there is no legal obligation to consult him first on any parole decision.

The governor filed two suits at Merrimack Superior Court. The first suit asked the court to rule that the parole of Martineau and Nelson be ruled illegal on the basis that the Parole Board (notably Board member Prunier) had violated its own conflict of interest rule. The second suit asked the court to have the two men jailed pending the outcome of the first suit. In his suit he claimed that the continued freedom of the two will irreparably injure and work a manifest injustice on the rights of the people and the state of N.H.

Then, when asked what effects he thought the suits would have on Martineau and Nelson, he said, "I'm not concerned with that. I'm concerned with enforcing the law." A contradiction in fact because he noticeably is not concerned with whether or not he is violating the constitutional rights of Martineau and Nelson.

With the Thomson suits over their heads, Martineau and Nelson lived under constant spying from the state and local police. Fred Martineau was still trying to hold his job at a Concord factory where he was hopeful of a job promotion to foreman, and Rus Nelson was working at the Concord Public Works Department, but had plans to start his own business.

Then things began to happen to Fred Martineau. He was attacked near a bar in downtown Concord. At the time of the attack several members of the Concord Police Department were on the scene within a few minutes. They picked him up, booked him on drunkenness. He was then charged with parole violation, and returned to the state prison. Yet federal courts have ruled within the past year that no parolee could be returned to prison until he was given a fair and impartial hearing with counsel.

One of Fred's friends was with him at the time of the attack. Lloyd Estabrook, also a parolee, was vital to Fred's defense against the drunk charge; but Lloyd was arrested within a few days on a four year old fugitive warrant from Massachusetts. He has been returned to prison also.

Next, another parolee, Harry Stone, was arrested. Harry was supposed to confirm the story that the attack had actually been started by Martineau because he was drunk and that the victim was Stone. At the parole violation hearing of Martineau (which has not yet released a decision) Stone reportedly told the Parole Board that Martineau was attacked by two men. A reliable source in a position to know has stated that Martineau was

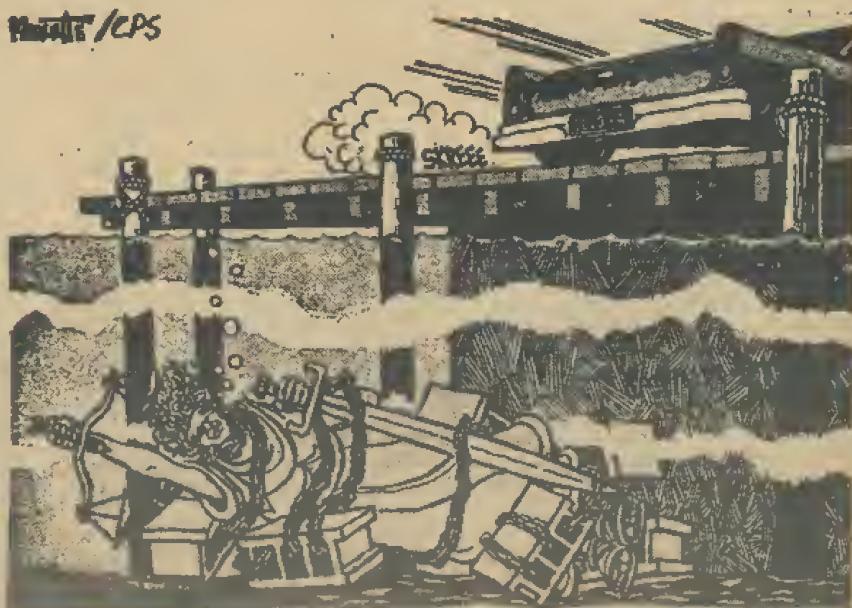
WELL WORRY
ABOUT
THE CONSTITUTION
LATER



Graphic by Michael Motley/AP

set up to be framed and that the attackers were paid for their services to get Martineau. His parole officer, Robert Johnson, said publicly that Martineau was set up without a doubt.

As it stands right now, since the fascist team of Thomson and the Union Leader started their rantings, three parolees have been arrested and put back behind bars--Martineau, Stone and Estabrook. Rus Nelson, though still "free" (of the bars at least) must report to his parole officer in person twice daily; and all the prisoners on parole and up for parole are going to have their freedom controlled by Thomson, and be under constant verbal abuse from the Manchester Union Leader. They will not rest until they have all the Martineaus and Nelsons behind bars again--and we will not rest until there are no more bars to be behind.



Listen Taxpayer

First, allow me to introduce myself. My name is Richard Hamner and I am currently serving a twelve to twenty-five year sentence given to me by the State of Maine. I was recently transferred from the maximum security prison at Thomaston, Maine to the maximum security prison at Windsor, Vermont. I am now nearly twenty-seven years old and have fifteen years behind me in other institutions throughout New England. I feel that I am duly qualified to comment upon our institutions. I only hope that I may say something that will make you, the public, take notice.

It is my hope that I may relay some points of view to the public so that you will better understand the problems of the men and women who are confined within penal institutions throughout New England. These walls that confine us are not only degrading, but immoral as well. This structure of stone takes away the one thing we all strive for: freedom. This is an environment that not even animals should enter. This stone wall fades even our most colorful dreams.

The public pays more and more taxes each year, but do you know where they are going in relation to our penal system? What about the money sent to institutions for rehabilitative purposes? Penologists have tried to start constructive programs, but to no avail. The people today seem to be content with removing from society the individual for a length of time. This is not the answer.

You might ask yourself, what about all the rioting and destruction I read about in the newspapers concerning our prisons. Well, let me assure you fellow citizens it is

not your tax money that we are destroying. In here, they are constantly trying to railroad us into believing that discipline is another form of rehabilitation. What we want is more education, constructive psychiatric help and better understanding of our respective problems as to why we failed on the outside if indeed we did.

Let's face it, if you are going to pay taxes then let them work for you, not against you. As of now, you are returning a disturbed individual back into society, with the same problems he had upon commencement of his sentence. Do you think he or she will repeat this ordeal? In some prisons as many as 90% of those inmates that return to society will return to crime after their release. They do what they know.

The answers to these problems are simple. First, we need better educational facilities in our penal system. Qualified teachers are needed to give us skills that will be of consistent value in the society we will be part of. Psychiatric help should be available, if the individual feels the need. These assets shall make the individual more ready and aware for him to resume a useful and constructive role in society. More half-way houses are needed for those who are not fortunate enough to have a home to return to after their sentence is completed. This will give him the support he needs until he finds a job. Look into the institutions that your money is going towards and see for yourselves that the words I speak are the truth. Question the facilities that these institutions say they have, and then see for yourself if they are adequate. You will see that your tax dollars are being spent unwisely.

Is there any wonder why a man revolts in a situation such as this? People don't revolt for the fun of; they revolt because they are oppressed and must have improvements. If you had to live under such conditions your reaction might be the same. If the inmates themselves are not afraid to fight back the only way they know how, just imagine what you, the public, could achieve. We ask you to inquire into these institutions yourselves. Support us for a cause that is long over-due here in America. Join forces with us today to better the future of our country.

This is the first step to curbing crime on the streets of which you live. In closing, I hope I've said something to help you understand why we revolt under our present conditions. We want conditions that will serve to better us as individuals rather than just "serving time". We want our time to serve us for the future.



CONFERENCE ON DEINSTITUTIONALIZATION

"The New Provider: Alternatives to Institutionalization"

Sponsored by- New England Corrections Coordinating Council - ?

Place: Sheraton-Tara Hotel
Rt. 9
Framingham, Mass.

Time: November 6,7,8, 1973

Subject: This conference concerns the political, financial, program and evaluation constraints of deinstitutionalization.

For Details Contact:
Dr. Anita Martin
NECCC
739 Boylston St.
Boston, Mass.

Kerrigan Replies to Burke

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"Under the circumstances here where we are trying so hard to return the institution to what the NPRA considers normal, we don't need any outside darts and arrows."

In response to a charge by Burke that the association had told inmates not to speak with the 10-man State Police investigating team, Kerrigan called Burke's attack "unjustified."

He said: "We simply distributed a memorandum to all inmates advising them that they had a right not to speak with the State Police.

"Before that, they were just being told by correction officers that the State Police wanted to see them and they didn't know they did not have to go."

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"I have the highest respect for Col. John Morarity and his integrity," Kerrigan said, "but the governor charged him to return this place to normalcy and to promulgate rules and regulations. He has not done either."

"All he has done is explore the viewpoints of (Deputy Supt.) Fred Butterworth and (Asst. Deputy Supt.) John Bates, and they have failed him."

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Reprint from THE BOSTON GLOBE-
August 31, 1973

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Amalgamated audience PAGE 9

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I wake in middle-of-the-night terror
next to the warm sleeping body of my lover,
yet alone in the conviction that I am in a prison cell
shut away, suddenly from all that makes my life.
I sense the great weight of the prison
pressing down on the little box of room I lie in
alone forgotten.

W.W. How often do women awake
in the prison of marriage,
of solitary motherhood
alone and forgotten
of exhaustion from meaningless work,
of self-despising learned early,
of advancing age,

alone and forgotten,
How many women lie awake at this moment
struggling as I do against despair,
knowing the morning will crush us once again
under the futility of our lives.

And how short a step it is
--for us--to the more obvious imprisonment
of bars and concrete
where our sisters lie

alone forgotten.
See now, in this middle-of-the-night emptiness
how little it matters
whether we wear a convict's ill-made cotton dress
or a velvet pantsuit--
We are possessions to be bought and sold,
We are children to be curbed and patronized,
We are bodies to be coveted, seized, and rejected
when our breasts begin to sag,
We are dummies to be laughed at.

I sense the great weight of the society
pressing down on the little box of room I lie in
alone forgotten
like my sisters in prison.

If you hear me
consider
how the bomb of human dignity
could be planted outside your cell
how its explosions could shake the foundations
the foundations of our jail
and might burst open the door that separates you from me,
how we might struggle together to be free.

Erika Huggins
OFF OUR BACKS
April, 1972

Dear People,

The following is a letter that
the men of N.H. state prison sent
to the Brothers of Attica in remem-
berance of the Fallen Comrades, and
as a message of support.

BROTHERS OF ATTICA

We the men of N.H. state prison,
like prisoners and people throughout
the country and world, join you in
remembering and mourning all the
courageous Comrades that were cut
down, when you the MEN of ATTICA
rose up in righteous anger and dem-
anded your rights and dignity as
human beings, in that long to be
remembered September of 1971.

When Rockefeller, the Butcher,
ordered his storm troopers into
the grey walls and told them to
fully use all their concentrated
fire power, the annals of history
recorded another bloody page of

murder and brutality against the
people of the worlds most terrible
oppressor. The cold blooded in-
humanity of the Amerikan government
was flashed across the world as the
body count was released, and though
people everywhere shook in anger and
despair, nowhere was the loss and
rage felt more than behind the many
walls of prisons.

We knew each of those fallen
Brothers; the ones that used junk,
the ones that had to steal, the ones
who in their miserable anger were
driven to assault others, and the
ones that were in captivity because
they dared to strike a blow against
the monster. We knew them, because
we are the same. We are common op-
pressed people who also yearn for the
good things that this life could
give, but that the rulers hold only
for themselves. And the bullets
tore us also, and that is why

ATTICA has become more than just
another bloody page. It has become
our battle cry, our summons to
courage. When you and your fallen
Comrades rose up and joined together
black, white, brown, and red, in
common unity, and held your fists in
the air, and spoke your words of
Freedom, a qualitatively new level
of struggle was reached.

The cost in terms of lives was
high, and our struggle still goes on
today as intensely as ever, but
while we have had to bury many good
Brothers, we do it in the spirit of
Comrade George Jackson, celebrating
the fact that the time has arrived
where so many are ready to put up
their very beautiful lives, in
order to gain a new dawn of Freedom
and Justice. The men are gone,
but what they and you stood up for
is stronger and more alive than
ever. These are not just words,



photo



No Lady
 Prison didn't improve me none.
 There was ten of us girls in the county jail
 five white, five black awaitin trial for sellin shit.
 The white girls, they all on probation.
 Us black girls, we all go to Dwight. Me, three months gone.
 An I ask myself sittin on them concrete benches in the county.
 How come? How come me an my sisters goin to jail
 An the white girls goin back to college?
 Their mothers come in here an weep--they get probation.
 My mama come in here--nose spread all over her face--she
 Weepin too
 But I goin to Dwight
 An I think about that--But I don't come up with no answers.
 Ain't got no money for a lawyer, Hell, I couldn't even make bail.
 Met the defender five minutes before my trial
 An done what he said. Didn't seem like no trial to me,
 not like T.V.
 I didn't understand none of it.
 Six months to a year they give me.
 An the warders wanna punish you all the time.
 My Lord, we rode--I thought we was goin to the ends of the
 earth.
 An then we got there--to the "campus" an Miss Morrissey.
 An two hundred rules, sayin mostly what you can't do.
 They ride us out there in a bus.
 See me playin the game--goin to charm class an the body
 dynamics, (to learn my Feminine Role)
 An I take keypunchin, an I do real well.
 My boyfriend, he come to see me twice, an then he stop comin
 An when I have the baby, I give it up.
 Weren't nothin else for me to do.
 They give me twenty-five dollar when I get outta there
 An I wearin my winter clothes in July, an everyone knows
 where I comin from.
 Six months I try to find a job, make it straight.
 But every door I push against closed tight.
 This here piece of paper say I'm a first-class keypuncher
 But the man who give the job, he say I flunk the test.
 Sheeit man, I didn't flunk that test.
 You think I'm a criminal. I done my time but you ain't
 reclassified me.
 I always be a criminal to you.
 So, I use some of the other things that prison taught me.
 That charm course.
 No Sir--I been that route.
 You called me criminal an I guess I am.
 One of the counselors say I "mentally ill,"
 I needs treatment. Two hours a week they give me group therapy.
 The other two hundred and fifteen, they lock me up--like an animal.
 An I ain't got no neurosis noways. Sheeit, it's this place
 make you ill.
 All them white warders, they so superior.
 All the time tellin you--"Don't give me no sass, girl."
 Squat! Use your pot!
 Down on your black ass, girl!"
 Other night I took sick with the cramps.
 There weren't no doctor til mornin.
 He poke me in the sore spot an say, "Girl--
 You jus wanna go to the hospital. Get you some tea an toast."
 Tea an toast!
 My girlfriend--she die of diabetes, before they do anythin
 for her.
 She come outta here in a box. Looks like it won be no different
 for me.
 That's how it is ,Lady.
 No, prison didn't improve me none.

Anonymous, about Dwight Reformatory
 for Women, Dwight, Illinois
 OFF OUR BACKS/CHICAGO SEED

Eniko Tanako OFF OUR BACKS

for the actions from Walpole to McAllister to San Quentin and back and forth from every county jail to maximum prison, speak this more strongly than we could ever hope to express in this letter.

But we do extend these words as our solidarity and freedom greeting to you and as our remembrance to the fallen ATTICA Warriors who have shown the direction to the road to Human Dignity and True Liberation. And more than this, the spirit of ATTICA lives and grows and we use it this very minute as the torch that lights up our front in our common war for Freedom.

IN REVOLUTIONARY SOLIDARITY
 AND STRENGTH TILL TOTAL
 VICTORY

Jaan Laaman
 for the brothers at
 N.H. state prison

Interview: Sister Eleanor

by Nancy Rosenberg

The following article was formed from an interview conducted with Sister Eleanor Mullaley, the Ex-Education Director at New Hampshire State Prison. Sister Eleanor began the discussion by describing the education programs that existed when she came to New Hampshire State Prison.

* * *

The programs that existed were the Adult Basic Education Program and a limited high school equivalency program, both on a temporary basis. Classes were held approximately two evenings a week, Sept. - June. Adult education classes were only open for men with less than an eighth grade education. There were also limited college correspondence courses. Limitations were particularly severe in the field of technology as the prison didn't have the equipment necessary to complete a course. These programs are federally funded. The State provides no funds except a salary for the Director of Education. I was the first director hired. Basically, these same kinds of programs are still the only programs approved. The degree to which these programs exist is greater.

Within the first two years of trying to get colleges interested in coming to the prison, I saw few problems. The flack I received then was not from the administration but from lack of interest on the part of colleges. Franconia College was the first college to put forth

a sincere personal interest into the prison. When this did happen the attitude of the administration towards educating prisoners became apparent. It became evident that the administration did not want development in the field of prison education. I began to hear statements like, "We can't have a group of thinking men in prison." To avoid getting flack from the administration, education had to be maintained at the level of teaching prisoners to read or at a high school equivalency level.

Exploration of the prisoners interests was always limited in the prison. Classes were given on a text basis. Most of these courses were never finished. There was no individual help given that was needed to complete a course, particularly in strict academics. If the men couldn't see the subject within the contents of the book the course was over for him.

My role at the prison as Director of Education was to put these programs into effect on a full-time basis.

A few special programs did exist. Every so often a volunteer would offer a program. The administration questioned all curricula and materials used.

Probably the ultimate in questioning was towards the people who offered Drama classes. The prisoners were extremely excited and interested in the course. This caused such extreme feelings on the part of the administration that they barred drama courses from the prison. The guards on duty opposed the looseness and freedom the prisoners had in the drama classroom, particularly in regards to the prisoner's language. This language was presentable on Broadway to the public but evidently was unacceptable to the guards. When Warden Parker Hancock reviewed the play, he personally found nothing unacceptable. However the pressure from the guard element was a great hassle. It was easiest to drop the program.

Although this incident occurred I think that Hancock allowed more in education than does the present administration. He had to have control over situations but he seemed to have more trust in my ability to bring something meaningful into the prison. If I could convince him of a program it was workable. However, I don't think I should have had to spend my time convincing the Warden once I was in the position of Director of Education. In the past year the new regime at the prison has

absolutely clamped down on any kind of real education programs that could go on.



photo: Bill Morey

WILL SISTER ELEANOR RETURN
TO N H S P ?

* * *

I wrote a letter to the board of trustees explaining that I had the opportunity to pursue a doctorial in Special Education at B.C. I asked for a leave of absence for 1 year so that I could begin the program. The warden checked out my request. It was at this time, or within the next couple of days, that I was informed that I was only a temporary employee of the State. Warden Vitek told me that he had just found out this information. I don't know if that was a set-up or not. But the fact remains that I was never informed before that I was a temporary employee. I was then told I would not be granted a leave of absence. I then suggested I would take the year of study and return anyway. The administration then said that they weren't hiring a Director of Education.

Governor Thomson publicly stated that he was delighted to hear that I was going to gain my educational knowledge in another state. The funny thing is that I never had any correspondence with Thomson. I heard his response on the radio driving down to B.C.

Governor Thomson is trying to impose regulations on the hiring level in the prisons. He has no right to say that people like me won't be allowed in the prisons. He has no right to hire people in the prisons. The



photo: Bill Morey

prison administration doesn't have the guts to stand up to the Governor. They know he's wrong when Thomson puts in a new training officer above the warden's head without informing the warden. He has no right. Yet no one is challenging him.

Governor Thomson has also accused me of enticing men to destructive acts. When newspaper men questioned Thomson and asked him what he had to back this up, he said that he didn't know what I said to the prisoners.

I have never spoken with the Governor personally. He's made accusations about me and I want him to prove his point and find out where he's getting his information. I have been seriously thinking of taking a law suit against him myself, charging Thomson with defamation of character.



photo: Bill Morey

SISTER ELEANOR'S FEELINGS ON EDUCATION IN PRISONS

* * *

I do not believe that education programs should be developed in prisons. There are so many facilities outside of the prison that can meet the prisoners' educational needs without using money for developing education inside the prison. I see myself in the role of putting bandaids on the situation and if that has meaning at the time that's well and good. But developing programs outside the prison had always been my intent, the administration knew that.

I am talking about an education for prisoners along with a non-belief in prisons. The only way

Double Standard of Justice

by Dave Teuteberg

Unjust acts are repeated daily in our system of justice. Clearly, a double standard of justice is employed by those that enforce and interpret the laws that govern the people: One for those that commit such crimes as robbery, theft and 'street' crimes; and another, comparatively milder standard, for embezzlement, tax evasion and fraud or 'white collar' crimes.

One such instance to illustrate how our system doubly exploits low income people has been brought to our attention. As reported in the August 4th issue of the Rutland Herald, Edward Parker, age 20, has been handed a sentence of 18 months to 6 years for robbing a truckers' stop of \$300. Mr. Parker is now serving his sentence in the Rutland Correctional Center. On the very same day, under the same laws that govern all, Dr. Edward Layden, age 63, also of Vermont, was sentenced to render free medical services for his community

for six months for cheating the government of approximately \$250,000 in taxes. Dr. Layden is now serving his sentence, in his community, continuing his work.

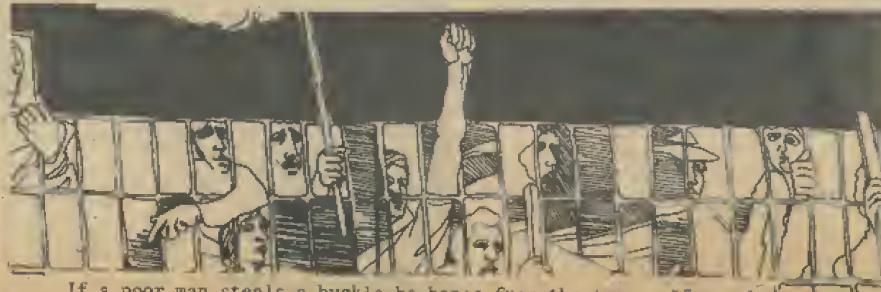
This points out certain obvious discriminations in the law. Is it cool to cheat the government and, in turn, the people of \$250,000? Is this a more "socially accepted" crime? In light of our recent rash of 'white collar' crimes coming from our own presidents' administration is there not an ugly injustice being served to low income people who commit street crimes if these people are treated differently than those middle-income people committing white collar crimes?

Are not these people just as susceptible to punishment for their respective crimes? They are not. Our society is willing to tolerate community corrections for the middle class, but presently demands the de-humanizing, destructive experience of prison for low income people.

sub
opportunities

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If a poor man steals a buckle he hangs from the tree. If a politician steals a nation he is given statesman of the year award.

--Chuang Tzu, Chinese Taoist philosopher, 400 B.C.

education can develop is through experiencing real life situations. This can't be done in a prison. Setting up, developing and pushing real life situations is the ultimate in education. There are still some problems with this type of education. Men leave the prisons to go out to a situation but it's always official and they have to return to their cells. This type of education is one step ahead though.

Education in prisons would have some meaning if prisoners could develop an education program themselves. A lot of prisoners at N.H.S.P. wanted discussion groups led by someone knowledgeable where the prisoners could have input into the seminar. This was absolutely frowned upon. If you're trying to run a prison as it is being run presently, organization among prisoners can't be allowed.

As long as this kind of administration is in power at N.H.S.P. the field of education can't progress. The only thing that may happen is that prisoners may be forced into taking actions on their own.

What I would say generally about education is that the prisoners have to take control of it. The men have to be able to take control over their own lives in

whatever system you're talking about. There is no system where this exists less than in prisons. There are out and out actions to prevent this and that is the extreme in obstructing education.

I feel that the best thing that can happen in a prison is with the people (teachers) coming in. If 30 - 60 volunteers came to the prison, the sense of awareness of what is happening in the prisons would be communicated.

Change has to come. There's no way to stop it finally. The need now is to gain momentum. Maybe this administration will be the one to aid us because there is so much force leaning one way. I believe that every action has a reaction of equal force.

There was a time when people coming out of prison had no intention of organizing with the prisoners inside. What these people are doing is providing a voice which the man who is incarcerated right now doesn't have. The voice must come through. I would hope that this would be the purpose of NEPA. The public needs an information center. The public needs to hear the voices.

Ex-Con Employment

In our society the ability to work is the criteria by which an individual is judged. Our criminal justice system is in a shameful position today. Our jails and prisons fail to correct. There are few rehabilitative programs available and very little skilled training offered. On top of this, about 50% of the jobs and occupations in this country are barred to anyone with a criminal record.

Although lack of concern and commitment on the part of public and private employers is the major cause for the lack of meaningful job opportunities for the ex-offender, we must look behind the prison walls themselves. Barriers to employment begin here. Many offenders lack a high school education and while incarcerated, little if any educational programs are available. What little skilled training is available is not geared to the job market. And so when an offender is released, he is ill-prepared to seek any meaningful job. In fact, it is not unusual for ex-offenders to remain incarcerated because a job has not been found. Many offenders are overdue for 6 months to over a year for this very reason and are not even released periodically in order to seek employment on their own.

Finally when the ex-offender is out in the community on parole, he receives little if any help, not only from the community, but also, little assistance from his parole officer in seeking further jobs. In fact, when a job is found, most likely appearance of the parole officer insures that the ex-offender will be "let go" by his employer for not disclosing his arrest and/or conviction record on his job application.

However, we have heard these statements before, repeated over and over again. But what is needed today is not words but ways to initiate changes and reforms for the ex-offenders right to employment.

Beginning within the institution, there must be meaningful vocational training in high employment fields. For many of these women and men are capable of learning such skills and they take pride in their workmanship. Also pre-release time must be arranged to allow the ex-offender to seek out employment prior to parole. Release time to seek a job is mandatory in order to fulfill parole requirements. In addition active efforts on the part of the institution itself toward

securing a job for the ex-offender is necessary and in keeping with stated institutional responsibilities.

As for the parole officer, when the ex-offender has finally secured employment, the parole officer should not be allowed to harass a parolee on the job. Whether or not the ex-offender's employer is aware of his criminal record, the constant appearance of a parole officer is likely to result in a negative termination for the ex-offender. Information can be obtained and inquiries made by the parole officer after hours, not on the job.

Many employers fail to inform the ex-offender that juvenile records can be omitted on the job application form. In many states, juvenile records are more accessible to employers than statutes intend or warrant.

2. Court ordered expungement of criminal conviction records after probation or parole ends, and 2 years after release from prison.



Walpole, corridor, 10 block photo: Richard Kahn

In addition to better institutional programs and more supportive assistance from the parole department, of utmost importance regarding employment are matters involving the job application process itself. Present job application inquiries result in falsification on the part of the ex-offender; if accurately completed, result in dismissal of his application on vague statutory grounds of "undesirable". Clearly, discrimination involving the ex-officer's right to employment could be lessened by permitting only restricted inquiries on job applications and clarifying many vague exclusionary statutes on the books.

The Institute of Criminal Law and Procedure of the Georgetown University Law Center, Washington, D. C., has researched hiring practices, statutes and regulations on federal, state and local levels and has presented 3 major reform measures on job application forms involving ex-offenders.

1. All records of juvenile proceedings be sealed and only released to other courts or law enforcement and government agencies if involved with adjudication against the juvenile.

Although procedures for pardons and sealings of criminal records exist, they must be initiated by the ex-offender and involve a lengthy and complicated process. Court ordered expungement initiated by the court itself, would return full rights to ex-offenders on an equal and systematic basis.

3. Legislative enactments be made regarding Civil Service procedures toward ex-offenders, stating that no crime is an automatic bar to government employment and that any employer public or private, only be allowed to request information regarding conviction of crimes which have not been annulled or sealed by a court.

Such legislation restricting inquiries on job application forms would eliminate ex-offenders divulging unnecessary information by which he becomes evaluated by a prospective employer on the basis of arrests and for criminal records which have been sealed by a court.

(con't. p. 17)

Separate life! Work!

What we want labor standards? Where?

Politics of Punishment

by Dick Turpin

The Politics of Punishment

Critical Analysis of Prisons in America
by Erik Olin Wright
a Harper-Calaphon Book
\$3.75 - 349 pages

The Politics of Punishment was written out of the experiences of Erik Wright, with contributions by several others. Wright was a student chaplain at San Quentin Prison in California while studying at Starr King School for the ministry. Some additional contributors are Fay Stender of the Prison Law Project; Thomas Lapez Meneweather, a prisoner writing about three years in the hole; Eve Pell, a writer for the Prison Law Collective; Frank L. Rundle, once head psychiatrist at Soledad prison and fired for insubordination when he refused to turn over to the warden files on one of his inmate-patients.

This book is important because it meets a real need for current literature on prisons, prison reform, and prison abolition. That need is to carefully assess the politics of prisons, why they exist, who they benefit, and why they are perpetuated even though all evidence shows them to be one of the greatest failures of our society.

There are two basic issues in the book: (1) how prisons work internally, (2) where they fit into the society at large and the part they play.

The book discusses these items in depth. It contains charts and graphs easily read and understood. For those who are familiar with prisons and how they really work, the book helps to sharpen the understanding of the political nature of the prison system.

Wright and his contributors mince no words about rehabilitation in prisons. They see it as another means of controlling and manipulating the prison population. Fay Stender does a most beautiful job in demonstrating the lawlessness of prison. Ms. Stender points out that the law describes behavior to be followed and the punishment to be meted out. However, "the notion of restraint upon the enforcers is at the heart of what is meant by the rule of law."... "When no reliable, workable channels exist for redress of grievances or appeal of decisions, when there is no enforceable restraint upon the behavior of the enforcers, then there is no law." Ms. Stender goes on to show that these very conditions exist in American prisons of today.

fact. Meneweather's real troubles began when he was arrested for killing a White inmate while returning to his cell. Though he disclaimed any knowledge of the incident, and the prosecutor's office refused to prosecute for the simple reason that there was no evidence, the prison officials found him guilty. For the next three years he went through a series of incidents that can only remind you of Dante's Hell. Being constantly assaulted by the guards' racist jibes and slurs was not all. The Blacks in "O" wing at Soledad were constantly being set up by the guards for attack by White inmates. Urine in the food, merciless teargassing and beating by the guards were common occurrences. The cold blooded murder of three Black inmates and one White inmate by tower guards while thirty-five other prison officials stood watching is very difficult to read and not become enraged. No one can read this chapter and not be convinced of the utter lawlessness of the entire prison system.

But other books have graphically pointed out the lawlessness of the prisons in America and how the prison officials use so-called rehabilitation as a tool of coercion and manipulation. What is really important in this book is the careful analysis of the political meaning of crime and punishment.

Early in the book a chart shows that if you are poor and non-white you have a greater chance of being robbed, raped, assaulted, or otherwise ripped off. This is not amazing, except when you think about the fact that it is the white middle class that is calling for so much law and order. The last chapter of the book, entitled "Prison Reform and Radical Change", very graphi-

cally shows how prisons fail by the very criteria that is set up by their proponents, and also has an affect of "channeling" crime.

Wright points out that the United States is a liberal capitalist system; prison and other forms of punishment are repressive means to protect the controllers of that society. He points out that there are high risk and low risk crimes. A good example of a high risk crime is bank robbery. If you go out and rob a bank, chances are that the local police, the state police, the FBI and every other gun toting law officer within six states will be looking for you. If you are caught and convicted the sentence will be quite stiff. But, if you grab some little old ladies pocketbook or if you are a Black man breaking into a Black ghetto apartment, the chances are little that you will get caught. It is no mistake that the chance of being caught is greater and the punishment stiffer for breaking into a bank at two in the morning and stealing \$50,000 than holding a knife to a person's throat for five dollars. These coincidences are a way of directing criminal activity toward low risk crimes. The property of the wealthy is protected and crime is robbed of much of its hidden political content.

(con't. p. 17)

COME, COME, CHILDREN! YOU MUST NOT
RESORT TO VIOLENCE!!



Hoitt v. Vitek

reviewed by Fred Findling

Federal District Judge Hugh Bownes rules on transfers at the New Hampshire State Prison.

On August 1, 1973, District Judge Hugh Bownes handed down his opinion on *Hoitt v. Vitek*. This case concerned the lockup, shakedown, and transfers that occurred at NHSP during March, April, and May of this year. Here is the opinion on the transfers in part.

On March 17, 1973, nine of the named plaintiffs were involuntarily transferred from NHSP to the U.S. Penitentiary in Lewisburg, Pa., without notice, without a statement of reasons, without opportunity to consult with counsel or contact family, without a hearing before an administrative tribunal. These transfers precipitated this civil rights action challenging the constitutionality of involuntary out-of-state transfers *per se* and the procedures under which such transfers are accomplished.

Specifically, the plaintiffs contend that involuntary removal of a prisoner from New Hampshire who was sentenced under New Hampshire law, even after a "full and fair hearing", violates the Eighth Amendment's ban on cruel and unusual punishment. Alternatively the plaintiffs argue that an involuntary interstate transfer without prior notice and hearing violates the Due Process Clause of the fourteenth Amendment. It is claimed that transfers outside New Hampshire which are effected without access to counsel and without an opportunity to confront their accusers, violate the First, Sixth, and Fourteenth Amendments. Plaintiffs further contend that the action to transfer inmates was arbitrary and capricious in violation of the Fourteenth Amendment.

Lastly, plaintiffs contend that any attempts by the defendants to punish them after their return to New Hampshire on the basis of the disciplinary reports prepared during the lockup and prior to their transfer constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments and violates the plaintiff's right to be free from double jeopardy as guaranteed by the Fifth and Fourteenth Amendments.

Reconstruction of the events leading to the transfers is not difficult; reconstruction of the true causes of the transfers is uncertain; reconstruction of what was actually happening at NHSP prior to March 17, 1973 is well nigh impossible.

On March 6, 1973, the Warden of

NHSP declared a state of emergency and instituted a general prison lockup. Prior to the initiation of the lockup at NHSP, eight of the nine transferee plaintiffs were in the general prison population. Between March 6 and March 17, plaintiffs Laaman and Cormier were placed in maximum security solitary confinement at NHSP for their conduct during the lockup.

Warden Vitek testified that sometime between March 6 and March 9, he first recognized the need to transfer some of the inmates at NHSP to other penal institutions. On March 13 the Warden made a report to the Governor and the Executive Council concerning the emergency situation at NHSP and the on-going lockup. At that time the Governor and Council voted "to transfer \$5,000 from the Emergency Fund to the State Prison appropriation to remove trouble makers (sic) to Federal Penitentiary." On March 14 the Warden contacted the Director of Corrections, Federal Bureau of Prisons, and secured the requisite authority to transfer up to ten inmates from NHSP to Federal Penal Institutions. On or about March 15 arrangements were completed for the transfers of the ten inmates from NHSP to the U.S. Penitentiary in Lewisburg, PA.

No effort was made to transfer prisoners to any other New England States despite the existence of the New England Corrections Compact, nor were any attempts made to transfer prisoners to any county jail or house of correction within New Hampshire. The transfer of the plaintiffs to Lewisburg by the defendants was pursuant to NH RSA 623:1. Although the statutory authority for the transfer is not crystal clear, by any interpretation, I assume for purposes of this opinion that the transfers were legal.

In deciding whom to transfer, the Warden stated that he relied heavily on staff consultations. The primary reason for selecting nine of the named plaintiffs for transfer was their activities during the lockup. The Warden testified that secondary consideration was also given the past record and prior behavior of the prisoners. The Warden stated that all of the transferees, in his opinion, posed a threat to the security of NHSP.

Each of the transferred prisoners who testified stated that most, if not all, of the information contained in the disciplinary reports were false. They further said that they would have responded to the allegations contained in these disciplinary reports if they had been given the opportunity to do so.

The Warden testified that the transfers were a temporary measure designed to diffuse the tense situation within the prison during the lockup and to make more cell space available to the remaining inmates at NHSP. He said the purpose of the transfer was not punishment.

The Warden knew that the transferred prisoners would have to be brought back to NHSP, but he did not know when they would return. Warden Vitek stated that he was advised of the recent court decisions in Rhode Island and Massachusetts.

Gomes v. Travisano, 353 F. Supp 457
Barret v. Boone, Civil No. 73-81-G
(D.Mass. Jan. 26, 1973)

No advance notice of the decision to transfer or of the destination was given to the plaintiffs. The Warden stated that notice of the decision might lead to disruption within the prison and physical attacks on the guards and impare the security of the voyage to the Federal Prison. On March 17, 1973, the plaintiffs were summarily removed from their cells, handcuffed, strip-searched, given a pair of underwear, trousers, T-shirt, and socks, placed in police van, and transported to Lewisburg.

A great deal of testimony was devoted to describing the conditions of confinement, the programs and treatment that was afforded the individual inmates, and the rules and regulations that govern prison life at NHSP prior to the transfer and at Lewisburg and other federal penal institutions after transfer. This testimony was elicited to show the impact that transfer has on the life of a prisoner, and can be fairly categorized and summarized as follows: (1) job training and work programs; (2) educational and rehabilitative programs; (3) visitation; (4) access to counsel and courts; (5) mail and literature; (6) psychiatric and medical treatment; (7) inmate friendships; (8) effect on parole; and (9) psychological impact.

Judge Bownes elaborated on these nine points and the impact that transfer has on them.

Warden Vitek testified that transfer was not considered as punishment or disciplinary action and, therefore, there was no deduction of "good time" credits from the sentences of the transferred plaintiffs.

Warden Vitek testified that in making the decision to transfer these nine plaintiffs, he had to weigh the rehabilitation of the two hundred and forty remaining inmates at NHSP versus the rehabilitation of the nine transferees. He also stated that had these plaintiffs not been transferred, they would have remained locked-up in their cells throughout the lockup and would have been the last ones to be released. Judge Bownes disagreed with the plaintiffs' contention that involuntary out-of-state transfer in and of itself violates the Eighth Amendment's prohibition against cruel and unusual punishment.

Trop v. Dulles 356 U.S. 86, 101
Furman v. Georgia 408 U.S. 238, 329

Bownes also stated that confinement of prisoners in an institution far from home was not unusual.

Rodriguez-Sandoval v. United States

409 F.2d 529 (1st Cir. 1969)



Hoitt (con)

When the conditions of 18 U.S.C. 5003 are met, (statute allowing state to federal transfers) Bownes stated that he could only with difficulty see why state prisoners should have more protection under the Eighth amendment than federal prisoners. He found that the confinement of state prisoners in federal penal institutions not unusual. He also found that transfers themselves are not cruel even though the conditions that the transferee may be subjected to might be in violation of the Eight Amendment.

But the procedures and practices under which involuntary transfers are effectuated may well violate the Due Process Clause of the Fourteenth Amendment.

As evidenced in the case at bar, involuntary interstate transfers have a punitive effect on the transferred inmates. Transferred inmates are routinely placed in quarantine segregation without receiving the due process protections afforded inmates who are put in segregation at NHSP for disciplinary violations. See

Collins v. Hancock 354 F.Supp. 1253

Bownes further explained that transfers lead to a radical transformation of an inmate's life. (in the nine aforementioned points) As involuntary interstate transfers have a punitive effect and involve an infringement of liberty and, to some extent, a loss of property, due process is required before the imposition of any punitive action. Bownes said he failed to understand why applying such procedures to transfers would be unduly burdensome.

Bownes concluded on the transfers with the following eight points.

(1) Prior written notice of the charge or basis upon which recommendation to transfer is being made must be given to an inmate three or more days before the time set for the hearing.

(2) The inmate must be allowed the assistance of a lay advocate of his choice in preparation for the hearing and at the time of the hearing. The inmate does not have the right to counsel, and counsel need not be furnished for the hearing.

(3) A hearing must be held upon the transfer recommendation before an impartial tribunal consisting of three or more persons, at least one of whom is not a prison official. A prison official who has participated in the investigation of the charge or who has been involved in the decision to recommend transfer shall not be a member of the hearing tribunal.

(4) At the hearing the prisoner shall be afforded the right to present testimony and evidence on his own behalf and to cross-examine persons giving testimony in support of his transfer.

(5) A record of the hearing must be maintained. This does not mean stenographic record. A tape recording is sufficient.

(6) The tribunal must make written findings of fact upon which its determination is based and must furnish a copy to the prisoner.

(7) The determination of the tribunal must be based on available and substantial evidence presented at the hearing.

(8) Administrative review, if the inmate requests it, of the decision must be available. The reviewing panel

Employment (con) *Cont.*

And finally, as long as employers continue to judge and then to discriminate on the basis of past criminal records, they are not only failing to consider potential employment abilities of ex-offenders but also are guaranteeing that, for our sisters and brothers, prisons will remain "no place to be somebody."

Indeed, the employment community, both public and private must learn to respect the right to employment opportunity for the ex-offender without discrimination of any kind. They must recognize the fact that the ex-offender is no longer an offender and is entitled to full Civil Rights and privileges due each and every citizen. If voluntary employer response will not bring these rights into reality, concerned citizens will have to see that legislative enactments do the job.

(Arnie Coles is a counselor for A.B.C.D., Action for Boston Community Development).

ED. NOTE: The Massachusetts League of Women Voters has a project to promote the statutory prohibition of employer inquiries into arrest and other court records of applicants for employment. People in other states should write the League of Women Voters in their state to encourage them to undertake this project in their state.

"What harm, my Lord Judge," he said,
"What harm was there in this,
To rob a Miser of his store,
By my stout-heartedness.
I never rob'd or wrong'd the poor,
As it plainly does appear;
So I hope you'll pardon me
And be no too severe."
--Dick Turpin, hanged 1739

should consist of not less than three members, none of whom sat on the original hearing tribunal. It is my opinion that such review should be by the NHSP Board of Trustees.

The aforementioned due process procedural safeguards must be afforded the prisoners before transfer except in those extraordinary situations where a valid governmental interest is at stake which justifies the hearing after the event.

Boddie v. Connecticut 401 U.S. 371, 379
Gomes v. Travisono, *supra* 353 F.Supp.
at 468-469.

Bownes ruled that, absent an emergency, involuntary transfer of an inmate to another state violates the First and Sixth Amendments and the Due Process clause of the Fourteenth Amendment unless the aforementioned procedures are met.

This ruling is to be prospective only and will have no effect on involuntary interstate transfers, other than those presently before me, which have been made prior to the date of this decision.

"I'VE LIVED HERE IN THIS CITY FOR OVER 40 YEARS!...AND NEVER ONCE HAVE I BEEN BRUTALIZED BY THE POLICE!!"



Punishment (con)

But there is an even more insidious effect here which is the direction of crimes against the poor, the working class and the non-white. Those same groups must turn to the established order for protection against crime. "The poor, while they are the victims of the social order protected by punishment, become fervent supporters of the system of punishment itself." Last but not least, Wright points out that not only does the system of punishment channel crime into low risk areas, creating political dependence on the part of the victims of crime while protecting the property of the wealthy, but also, "Punishment sustains the social order as much by what is not punished as by what is."

In the closing chapter Wright points out that there are four general issues in prison reform: 1) The social ends of punishment, 2) the power relationships within prison, 3) the rights of prisoners, and 4) prison conditions. Wright feels that his last three issues can be met by liberal reforms. Yet in relation to the social ends of punishment, only a radical change in society will do. He calls for a socialist society and defines it as one "which is in the process of becoming radically democratic."

He is quick to point out, however, that "socialism will not eliminate the political need for prison in some form or another." But he does see that in such a society prison will be explicitly political. The individual offender will not bear total responsibility for his or her offense, and punishment will not be alienated from the community.

Law and Order Conference

By Monty Griffith-Mair

About 700 "law abiding citizens" attended the 48th annual New England Association of Chiefs of Police conference at the Mt. Washington Hotel, Bretton Woods, N.H. during September 16-19.

Most of the 700 "law abiding citizens" were comprised of police chiefs, F.B.I. agents, gun dealers, rookies, sheriffs, detectives, narcotics agents, police lawyers, riot control executives, and just plain do-it-yourselfers.

At the Chief of Police meeting, the law abiding citizens had a chance to show off their "stuff". From the Law Enforcement Training Authority's point of view, one didn't like to be like an "officer of the law" - "Who are you?", "What's your name?", "Where are you from?" "Why should you be interested in drugs?", "What are you doing here?", "Who sent you?", "What's your game?" were some of the questions they asked me.

ing to run the country. They shoot officers, they cause riots, they ferment trouble, they will kill to get what they want. We in law enforcement cannot idly stand by while innocent people live in terror." The answer to urban terrorism, said Katz, "is to arm every member of law enforcement to combat the Panthers, sky-jackers, extremists and radicals."

The conference had many inquisitive and security-minded salesmen. For instance, at one display, two bearing a sign stating "We live" started asking questions. "What's your identification?" he asked. "Official identification or production conclusive questioning." "Who do you write for?" he asked. "Turn that tape recorder off," he ordered. "Now I'm prepared to answer all your questions but only if you have official identification." Asking him what he meant by "official" he answered, "Don't try to get bratty with me."

law enforcement credentials, a pistol in our jacket, a "Law and Order" mentality, a police decal on our car, a pair of handcuffs fixed on our belt or a badge saying "Support All Law Enforcement."

The guest of honor at the conference was the Honorable Philip W. Noel, Governor of Rhode Island. His Excellency declared that "some inmates" at RISP "were rioters, who should be controlled by guards with the authority to kill inmates who violate the rules."

Chief of Police
Meeting
Law
and
Order

What were the results of the 48th Annual Chiefs of Police conference? "Just from our point of view, said Roy Quincy, "It's been really good." Holding an automatic pistol in his hand, Quincy applauded himself by saying, "I have sold about \$30,000 worth of new equipment, if the orders go through. One order is for 98 autowomatics for one police department in Maine," he mentioned, refusing to say which department. "A \$10,000 communication-dictaphone has been ordered by a Chief in Massachusetts." The "dictaphone" is hooked up with incoming and outgoing calls at the police station.

"It protects the police from cranks who want to sue them for no reason at all," said Quincy, noting happily that the dictaphone can prove or disprove when "cranks" say they phoned the police to report an emergency, then later try to sue the department for not responding to a call. "Crankers are a menace to good law enforcement," added Quincy, a retired state trooper from Pennsylvania. Asked if the \$10,000 machine was primarily for protecting the police or protecting citizens, Quincy replied, "Good citizens never have any need to sue the police."

Any other results from the conference? Yes, a real insight into what law enforcement is all about. A view of how law enforcement has become a self-serving and self-protecting and self-righteous "state" within America. A glimpse of phoney patriotism and phoney lawfulness. A "decultivation" of human love and understanding. A value of anti-democracy and a love of power. The leadership of reactionary armed gangs. A reality of criminalization and perversion of the law enforcement system. It's like the bartender told me, "You can tell by talking to them that they are crooked."

People v. Nixon

In another effort to put the master criminals out of the way, a law suit, "The People, plaintiffs, v. Richard M. Nixon, et al., defendants," is being filed. The National Lawyers Guild is entering in U.S. District Court a class action suit to set aside the 1972 presidential election. The NLG claims the election was fraudulent, unconstitutional and otherwise unlawful. Anyone can join the suit. For more information write: Committee to Set Aside the 1972 Election, c/o National Lawyers Guild, 23 Cornelius St., N.Y.C., N.Y. 10014.



All in all, the four day conference was a display of the latest "goddies" in shotguns, lawmen holsters, hickory night sticks, riot police combat vests, mace canisters, sheriffs' uniforms, leg irons, midget thumb cuffs, bullhorns, tear gas dispensers, forcible-entry pry axes, lead loaded sap gloves, sheath knives, straight jackets, handcuffs, finger print magnifiers, surveillance mirrors, lock pick equipment, police car detection kits and chain restrainers-for sale, only to law enforcement officers. In addition, a slide show about drug abuse was shown every other hour to the law abiding citizens.

A talk on Urban Terrorism was given by Deputy Inspector Arthur A. Freeman, New York City Police Dept. Among the assembled citizens who heard the talk was Thomas H. Katz, who said he worked with the Tactical Crime Prevention Unit in Hartford, Conn. Katz was asked the meaning of "urban terrorism." "It's like this," Katz began. "Terrorism is spreading faster than cancer. The reason for terrorism is because they, that is colored people and leftists, are trying

Photo: Bill Morey
Two more salesmen joined him. They began to ask more questions. "Who are you?" they all demanded. "Listen, Buddy, there is a lot of security here, with police chiefs and all, so we don't just talk with any one stopping by who wants information. Let's face it, you could be a pusher, an ex-addict, who knows?" Telling them that there should be no reason not to tell the public what they were selling, one of them replied, "That's too bad. We don't have to tell you or any citizen what Concern Publishers is doing." In fact, the "salesmen" were representatives of the Bureau of Narcotics. They were driving a cream colored Oldsmobile with a Justice Dept. parking permit on the window, a two-way radio, a tape-recorder placed between the front seats of the car, and an empty gunrack--hardly the kind of vehicle for a traveling salesman.

The strange thing about the Chiefs of Police Conference was not the conference itself, but the strange feeling of being in the midst of an army on furlough who want nothing to do with those of us who don't have

Does Weightlifting Rehabilitate Prisoners?

by Jessica Tanno

"99.9% of people institutionalized deserved to be institutionalized." Those were the words of Thomas Hammond, who opened the session on Corrections at the Conference of the New Hampshire Welfare Council. Hammond then introduced the first speaker, Joseph Vitek, warden at the New Hampshire State Prison. Having known personally of his continual attacks against the progressive development of NEPA, I was right in expecting the issue of prison reform to be evaded. Vitek started by saying that there is no prison in America that he would want to be imprisoned in and stated that he has been in about 45 percent of the maximum security joints in the United States. He went on to blame the problems of prisons on the buildings, not the people in charge. "We're trying to promote self-esteem, motivation, and a life philosophy in 100 year old cells." Vitek continually referred to those who seek alternatives to prison as people who simply want to "tear down the walls." He went on to say that there is no answer to the question of "correcting" the prisoner but one can help by working with him on a human one-to-one level by following human compassion. (Like locking men in cages without any time out for two months?)

Vitek then said, "Only some of our successes meet the public eye." He used as an example of "success" a con who became interested in weight lifting while in prison. He came in little and weak and left big and strong. The stay in prison changed his life - it improved his attitude and strengthened not only his body but his self-esteem. He ended that by saying that there are constructive activities available to prisoners. He concluded with his most accurate statement of the day: "I guess I've been swamping around and not hitting the nail on the head... I don't have the answers, if someone does they should be warden."

After the session in which Vitek spoke, I had a chance to speak with him. I asked him if he thought society was in any way to blame for the men being behind bars. He said no, that he couldn't blame me for a crime his daughter might



commit. He went into his past on how he grew up in the depression, had little money, but turned out all right. He feels there will always be crime because of the basic nature of evil in man - ever since Eve took a bite of Satan's apple. And while we're on the subject of puritanical beliefs, during the meeting he continually brought up the concept of the redemption of man. I left, not sure if my questions had been answered.

The second session was on rehabilitation programs within the prison. The first speaker was David Clarke, Assistant warden at New Hampshire prison. He discussed the various programs within the prison. He also mentioned the fact that there is a part-time psychologist at the prison who is there a total of eight hours a week.

The last speaker was Vallance Wickins, with the State Alcohol and Drug Abuse Program. He is a social worker and therapist who kept chain smoking, picking his

nose, and crumpling paper. He conducts group therapy sessions and considers himself a prison social worker geared to men under twenty-five. In reference to helping the prisoners he said, "I feel there is a shock value in punishment." He told a story of a con who escaped with a persuasive friend. They went out the window and upon being caught the man said that as soon as he was out the window he wanted back in, but he couldn't reach it. Wickens also mentioned in jest that he reads the Manchester Union Leader to keep up with what is happening at the prison.

After the speakers were finished open discussion was held in which the audience could ask questions. Nothing of importance was opened - only a jumble of words. It was beneficial experience, making me aware of the type of attitudes and people we are up against.

Warden Vitek and David Clarke had to leave early because of an "emergency." A man escaped over the wall while they were lecturing.

Police Chiefs Conference photo: Bill Morey



Ban Aid to Con's Families

Nixon's regime is at it again. The Department of Health, Education and Welfare has proposed a regulation to allow local welfare agencies to rule a family ineligible for welfare if the father is in prison but plans to live with his wife after he gets out. HEW offered the proposal for public comment for 30 days, so write soon to the HEW, Washington, D.C. Let them know that punishing the child for the "crime" of the parent is no aid to rehabilitation, human dignity or any goal of a supposedly civilized nation.

WANTED



JAMES McCORD

DWIGHT CHAPIN

H. R. HALDEMAN

JOHN MITCHELL

JOHN ERLICHMAN

MAURICE STANS

EUGENIO MARTINEZ

G. GORDON LIDDY

CHARLES COLSON

HERBERT KALMBACH

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E. HOWARD HUNT JR.

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